

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

**Jury demand date:** 7-8-70 (pltf)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>Albert &amp; Harlow, Inc., an Oklahoma Corporation</p> <p>vs</p> <p>The Travelers Indemnity Company, a Foreign Insurance Corporation</p> <p>vs</p> <p>Robert E. Acklin and J.W. Bill Allen</p> <p>Richard W. Gable (Acklin) 2010 Fourth Natl. Bank Bldg. Tulsa, Okla. 74119</p> <p>John Harlin (Allen) 725 Wright Bldg. Tulsa, Okla. 74103</p> <p>S. M. (Buddy) Fallis, Jr. District Attorney Marvin E. Spears, Asst. D.A. Tulsa County Court House, 4th Floor, Tulsa</p>		<p>585-571</p> <p>For plaintiff:</p> <p>Robert A. Huffman, James L. Kincaid <del>510 Oklahoma Natural Building</del> Tulsa, Oklahoma 74119</p> <p>Alfred B. Knight <del>212 Beacon Bldg., Tulsa 74103</del></p> <p>Mike Snyder 510 Okla Nat Bldg Tulsa 74119</p> <p>For defendant:</p> <p>Jones, Givens, Brett, Gotcher &amp; Doyle 1700 4th Natl Bank Bldg Tulsa, Oklahoma 74119</p> <p><del>H. Conky Bishop (for J.W. Bill Allen)</del> <del>Bishop, Shepherd, Pearce &amp; Shofner</del> <del>3230 E. 31st.</del> <del>Tulsa, Okla. 74105</del></p> <p>Robert E. Acklin, pro se 5403 South 76th E. Ave. Tulsa, Oklahoma 74135</p> <p><del>Alfred B. Knight</del> Frank R. Hickman (Allen) Wright Building Tulsa, Oklahoma 74103</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 6-1-70	Clerk	7-1-70	Huffman	15 00	
		7-2-70	CD 1		15 00
J.S. 6 mailed 7-1-72	Marshal				
Basis of Action: Recovery on employees' dishonesty bond	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-1-70	Complaint filed. Summons issued. m	
7-8-70	Demand for jury trial by pltf, filed. m (c/c to Marshal for service)	
7-20-70	Application for extension of time to answer, and order granting an extension of 15 days from 7-28-70 to 8-12-70, filed. ( JHP-C1) ds	
7-22-70	Return on service of summons filed. Served Travelers Indemnity Company by serving Joe B. Hunt, State Insurance commissioner for the State of Oklahoma, receipt No. 11200, at Oklahoma City, Okla, on 7-8-70. (\$4.72) Served Demand for Jury Trial on Travelers Indemnity Co. by serving Joe B. Hunt, State Ins. Comm. for Okla. receipt No. 11217 on 7-14-70. (\$3.72) ds	
8-12-70	Defendant's motion to add additional third-party defendants, filed. b	
8-12-70	Answer of the defendant, filed. b	
8-12-70	Ordered by the Court that the plaintiff respond to the defendant's motion to add additional third-party defendants, with brief, within 10 days. (Allen E. Barrow - Judge) b	
8-21-70	Depositions of Russell Snow and Truman Wiley on behalf of deft, filed. (Fees: \$181.00 pd by deft.) m	
8-21-70	Order Sustaining Motion to Add Additional Third Party Defendants filed. (AEB-J)h	Copies mailed
8-26-70	Third Party Complaint, filed js	
9-4-70	Answer of J. W. "Bill" Allen, filed. v	
9-21-70	Answer of Robert E. Acklin to complaint, filed. ds	
9-23-70	Answer of Albert and Harlow, Inc., filed. h	
3-5-71	Parties directed to hold pre-trial <del>order</del> prior to 4-16-71 and file pre-trial order not later than 4-21-71. (AEB-J)m	
4-15-71	Ordered by the Court that this case be stricken from pre-trial and to be re-set on the next <del>Jury Docket</del> (AEB-J)xx pre-trial docket. (AEB-J)r	
4-21-71	It is ordered that parties are granted until 4-23-71 in which to file pre-trial orders. (AEB-J)h	
4-26-71	Pre-Trial Order filed. (AEB-J)r	
9-2-71	Order by Court that this case is set for Jury Trial on Wednesday, 10-20-71 at 10:00 A. M.. (AEB-J) v	
9-17-71	It is ordered that this case is stricken from the jury docket of Oct. 20, 1971 at the request of the plaintiff to be reset on the next jury docket. (AEB-J)h	
10-8-71	Order substituting attorney, filed. H. Corky Bishop is allowed to withdraw as atty. for J. W. Bill Allen and Frank R. Hickman is designated as his atty. of record. (AEB-J)m	
10-27-71	Notice to take deposition of D.A. of Tulsa County to be taken 11-4-71, filed. ds	
10-29-71	Motion to Quash Subpoena Duces Tecum by S. M. (Buddy) Fallis, Jr., District Attorney, Tulsa, County, Okla., filed. v	
10-29-71	Brief in support of S.M. (Buddy) Fallis, Jr., motion to quash subpoena duces tecum, filed. v	
10-29-71	Order by the Court that Plaintiff is granted 10 days to respond to S. M. (Buddy) Fallis, Jr.'s (The District Attorney) Motion to Quash Subpoena Duces Tecum. (AEB-J)v	
11-4-71	Motion of plaintiff to quash subpoenae issued to James L. Kincaid, et al to appear 11-4-71 at 1:30 p.m., filed. g	
11-4-71	Brief in support of motion to quash, filed. g	
11-5-71	Notice to take depositions of James L. Kincaid, Dick Albert, Truman Wiley, and Gary Glanz, filed. r	
11-5-71	Defts Motion for Judgment on pleadings, filed.	
11-5-71	Defts Brief in support of Motion for Judgment on Pleadings, filed. r	
11-5-71	Ordered by the Court that Plaintiff respond to Defts Motion for Judgment within 10 days. (AEB-J)r	3rd Party

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-5-71	Order sustaining motion to quash subpoenas, filed. (AEB-J)v <i>copies</i>	
11-15-71	Application of Plaintiff for extension of time within which to file brief in response to motion for judgment on pleadings, filed. v <i>order to 7.</i>	
11-16-71	Response of the Travelers Indemnity Company to motion for judgment of the pleadings of third party defendant J.W. "Bill" Allen, filed.v	
11-17-71	Subpoena, ret. & filed: served Gary Glanz 11-15-71, Tulsa, Ok. (\$2.00)g	
11-17-71	Subpoenae, ret. & filed: served Truman Wiley, Dick Albert & James L. Kincaid, 11-15-71, Tulsa, Ok. (\$6.00)g	
11-18-71	Brief in Response to Third-Party Defendant J.W. "Bill" Allen's Brief in Support of Motion for Judgment on Pleadings, filed. v	
11-19-71	Order extending time within which to file brief in response to Motion for Judgment on pleadings, filed. (AEB-J)r (Copies mailed to attys)	
1-3-72	Depositions of Truman Wiley and James L. Kincaid, on behalf of the third party Deft., J.W. Bill Allen, taken before Thomas G. Bloxom on 11-16-71 with fees of \$95.00, filed. v	
1-3-72	Depositions of Gary Glanz and E. R. Albert, Jr. on behalf of the third party Deft., J.W. Bill Allen, taken before Thomas G. Bloxom on the 16th of Nov., 1971, with fees of \$112.00, filed. v	
1-25-72	Ordered that the Magistrate conduct the hearing on motion of S.M. (Buddy) Fallis, Jr. to quash subpoena duces tecum and motion of deft. J. W. "Bill" Allen for judgment on pleadings. (AEB-J)hm	
1-25-72	Hearing held on above motions. Motion of S.M. Buddy Fallis to quash subpoena duces tecum is overruled; motion of deft. J. W. Bill Allen for judgment on pleadings is denied. (Motion to quash was overruled with provision that file in D.A.'s office be submitted within 5 days to the Court for an in camera inspection). Deft. Tom Brett to prepare formal recommendation & order within 5 days. (Mlb-Mag)hm	
2-7-72	Recommendations of U.S. Magistrate concerning Motion to Quash Subpoena Duces Tecum of District Attorney of Tulsa County, Oklahoma, filed. (MLB-Mag)r	
2-7-72	Order filed, that the motion to quash subpoena duces tecum is hereby overruled & the D.A. is hereby directed by Monday, 1-31-72 to produce the complete file of State of Okla vs James William Allen for an in camera examination as determined by the U.S. Mag., filed. (AEB-J)r (copies mailed to all attys)	
2-25-72	Findings and Recommendations of Magistrate filed.h	
2-25-72	Order filed that the motion of the 3rd party def., J.W. Bill Allen for Judgment on pleadings is overruled, filed. (AEB-J)h(copies mailed)	
4-19-72	Interrogatories by the Pltf. to 3rd Party Deft., J.W. "Bill" Allen, filed.v	
4-24-72	Case set for jury trial for Monday, 5/22/72 at 9:30 a.m. (AEB-J) rm	
5-2-72	Notice to take depositions of pltf. by 3rd pty def., filed. rm	
5-5-72	Pltf.'s requested instructions, filed. rm	
5-5-72	Pltf.'s list of witnesses, filed. rm	
5-5-72	Trial brief of pltf., filed. rm	
5-5-72	Supple. trial brief of pltf., filed. rm	
5-12-72	Return on deposition subpoena, filed. hm (Served Jack Haus on 5-11-72 in Tulsa) (Fees: \$2.00)	
5-12-72	Return on deposition subpoena, filed. Served John B. Harlow by serving secy. on 5-11-72 in Tulsa. (Fees: \$3.44)hm	
5-12-72	Return on deposition subpoena, filed. Served Jim Lang on 5-11-72 in Tulsa. (Fees: \$2.00)hm	
5-12-72	Return on deposition subpoena, filed. Served Truman Wiley on 5-10-72 in Tulsa (Fees: \$4.88)hm (over)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-16-72	Notice by pltf. to take deposition of J. W. "Bill" Allen on 5/18/72	filed. rm
5-17-72	Answers to interrogatories by 3rd pty def., filed. rm	
5-18-72	Brief of 3rd pty. def., Bill Allen, filed. rm	
5-18-72	Trial Brief of Deft. Travelers Indemnity, filed. r	
5-18-72	Deft Travelers Ind. Co's List of Witnesses, filed. r	
5-18-72	Deft Travelers Ind. Co's Requested Instruction #1 thru #12, filed. r	
5-19-72	Motion of the Pltf. to Dismiss the Claims of Third Party Deft.s, J.W. "Bill" Allen, Against Plaintiff Albert and Harlow, with Supporting Brief, filed. v <i>Copy to Marshall</i>	
5-19-72	Appl. of pltf. for direction and instructions concerning conduct of trial, filed. rm <i>Order to m</i>	
5-19-72	Deposition of J. W. "Bill" Allen, on behalf of pltf., filed. g	
5-19-72	Subpoenae, ret. & filed: served James C. Lang, H. Corky Bishop, Joe Tate and Stewart A. Pearce at Tulsa, Ok. 5-17-72. (USM \$9.56)g	
5-19-72	Deposition of John B. Harlow on behalf of third party deft. Allen, filed. (Fees: \$90.20)-pd. by 3rd-party deft.)hm	
5-19-72	Deposition of Harold J. Haus, Jr., on behalf of third-party deft. Allen, filed. (Fees: \$55.00 pdy by 3rd-pty deft)hm	
5-22-72	Deposition of Truman Wiley on behalf of 3rd pty def. filed (Fee \$9.90 pd. by 3rd pty. def) rm	
5-22-72	Deposition of James C. Lang, taken on behalf of def. and 3rd pty. pltf. filed. (FEE \$67.10 pd. by def. and 3rd pty pltf.) rm	
5-22-72	Subpoenae, ret. & filed: served James Lang, H. Corky Bishop, Stewart A. Pearce & Jack Haus, 5-19-72, Tulsa, Ok. (USM \$9.44)g	
5-22-72	Third Party Deft., J.W. "Bill" Allen's Requested INstructions, 1-13, filed. v	
5-22-72	Statement of Facts of Third Party Deft., J.W. "Bill" Allen, filed. v <i>in court.</i>	
5-22-72	Third Party Deft., J.W. "Bill" Allen's, List of Witnesses, filed. v	
5-22-72	Plaintiff's supplemental trial brief in response to brief of J. W. "Bill" Allen, filed. g	
5-23-72	Motion for S/J filed by Paul P. McBride, atty for Plaintiff.h	
5-23-72	Brief in support of above filed.h	
5-26-72	Defendant's supplemental list of witnesses, filed. ds	
5-26-72	Supplemental trial brief regarding instructions, filed. ds (Plaintiff's)	
5-26-72	Return of service of civil subpoena, filed. Served Truman Wiley in Tulsa on 5/25/72 (USM \$2.00)rm	
5-31-72	Supplemental trial brief regarding loss of profits sustained by pltf. due to fraudulent and dishonest acts, filed. hm <i>Copy to Marshall</i>	
5-30-72	Supplemental Trial Brief Regarding Expenses Incurred in Achieving Reimbursement, filed by the Plaintiff. v	
6-1-72	Requested instruction of Albert & Harlow, Inc. as to the claim of third party J. S. "Bill" Allen, filed. hm	
6-1-72	Pltf's proposed instruction regarding damages, filed. hm	
6-2-72	Supple. brief of def. Allen, filed. rm	
6-2-72	Memo. of authorities of def. Travelers Ins., filed. rm	
6-2-72	Memo. brief of def. Travelers Ins., filed. rm	
6-2-72	Case tried to Jury on May 22, 23, 25, 26, 30, 31, 1972 and June 1, 1972. Jury retires for deliberation 6-1-72 at 4:00 P.M. Jury returns with verdict 6-2-72 (3:00 P.M.) for defendant Travelers and for Defendant Allen. Verdicts read, approved and filed in open court. Jury excused. (AEB-J)h	
6-2-72	Verdict finding for the 3 Pty Def. Bill Allen and against plaintiff A&H on Allen's counter-claim in amt. of \$24,921.13 filed.h	
6-2-72	Verdict finding for the def. Travelers Indemnity Co. and against plaintiff A&H filed. h	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-2-72	Judgment on Jury Verdict filed and entered. It is adjudged that the Jury finds for the 3 PTy def. J.W. Allen, and against plaintiff Albert & Harlow, Inc., on J.W. Bill Allen's counter-claim, and that the plaintiff take nothing, that the action is dismissed on the merits as to the third party def., and that the third party def. J.W. Bill Allen recover \$24,921.13 and their costs of action, against the plaintiff. h (copies mailed)	
6-2-72	Judgment on jury verdict filed and entered. It is adjudged that the plaintiff Albert & Harlow, Inc., take nothing, that the action is dismissed on the merits, and that the defendant recover of the plaintiff their costs of action. h (copies mailed)h	
6-6-72	Notice of lien filed by John K. Harlin, Jr. and Frank R. Hickman. g	
6-6-72	Notice of Levy, filed by the IRS, as regard to James W. Allen. v	
6-12-72	Motion of the Third Party Deft., J.W. "Bill" Allen, for New Trial, filed. v	
6-12-72	Application of 3rd Party Deft. for Fees, filed. v	
6-12-72	Brief in Support of Application for Fee, filed. v	
6-12-72	Bill of Costs, (amount of \$403.27), filed. v <i>Brody Rf</i> -in day book. <i>Hickman</i>	
6-12-72	Motion of the Plaintiff for Judgment Notwithstanding the Verdict, filed.v	
6-12-72	Brief in Support of Motion, filed. v	
6-12-72	Ordered by the Court that Deft. is granted 10 days from this date to respond to Plaintiff's Motion for Judgment Notwithstanding the Verdict. (AEB-J)v	
6-12-72	Bill of costs of def. Travelers in amt. of \$1047.70, filed. Hearing on taxing of said costs to be set for 6/16/72 at 10:30 a.m. rm	
6-15-72	Response of 3rd party deft. Allen to motion for judgment notwithstanding the verdict, filed. hm	
6-15-72	Brief of Travelers Indemnity Co. in Opposition to Application for Fees of Third Party Deft., J.W. "Bill" Allen, filed. v	
6-19-72	Response of Acklin to pltf. Mo. for judg. notwithstanding verdict, filed.rm	
6-20-72	Garnishment Affidavit, filed. r	
6-20-72	Garnishee Summons issued. r	
6-21-72	Order overruling pltf's motion for judgment notwithstanding the verdict, filed. (AEB-J)hm (copies mailed)	
6-21-72	Plaintiff's Reply to the Responses of J.W. "Bill" Allen and Robert E. Acklin Regarding Plaintiff's Motion for Judgment Notwithstanding the Verdict, filed. v	
6-21-72	Brief of Albert and Harlow, Inc., in Opposition to Application for Fees of Third Party Deft., J.W. "Bill" Allen, filed. v	
6-21-72	Order Overruling J. W. "Bill" Allen's Motion for New Trial, filed.(AEB-J)v	
6-21-72	Order Overruling J.W. "Bill" Allen's Application for Attorney Fees, filed. (AEB-J)v	<i>copies mailed</i>
6-22-72	Garnishee Summons, ret. & filed: served Fred Whiles, Cashier, Tulsa, 6-21-72. (USM \$3.00)g	<i>6-21-72</i>
6-27-72	Dismissal of garnishment against 1st Natl. Bank of Tulsa, filed by 3rd party deft. Allen. hm	
7-5-72	Release and Satisfaction of Judgment, filed. v	
7-7-72	Order to pay funds, filed. U.S. Court Clerk directed to pay \$8,722.00 to John K. Harlin, Jr. and Frank R. Hickman, attys for 3rd party defendant, J. W. "Bill" Allen. (AEB-J) ds	
7-12-72	Application and order, filed, directing Clerk to pay to Travelers Indemnity Company the sum of \$1,047.70, costs awarded said co. (AEB-J)hm (copies mailed)	

## Albert &amp; Harlow vs The Traveleers Indemnity Co.

DATE	PROCEEDINGS	Date Order or Judgment Noted
1972 Jul. 12	Order to Pay Funds, (J.W. Bill Allen \$1,967.29, IRS \$14,635.00) filed (AEB-J). js	